

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Malcolm DuBose

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been
assigned)

-against-

SUNY Maritime College Office of Financial Aid, Andrea
Damar, Roxanne Thompson

Lleny De La Cruz, Lu-Anne Plaisance , Robin Marshall
~~Defendants known and Unknown.~~

COMPLAINT

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you need more
space, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of
names. The names listed above must be identical to those
contained in Section II.

RECEIVED
SDNY PRO SE OFFICE
2024 JUL 19 PM 4:11

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

Claim Abstraction

Malcolm DuBose is suing the SUNY Maritime College, Office of Financial Aid et al., pursuant 20 United States Code §1706, as an individual denied an equal educational opportunity. Plaintiff Malcolm DuBose claims that between April 6 2022 and August 25, 2023 Defendant(s) Andrea Damar et al. denied him Federal Student Aid without just cause.

Plaintiff Malcolm DuBose asserts that the Defendant(s), on multiple occasions, Failed to provide full, accurate and specific information about his Title IV Federal Student Aid eligibility. And provided incorrect, inaccurate and incomplete information with regards to his Title IV rights and privileges; along with unsolicited notices of Private Student Loan options. Mr. DuBose claims that the Defendants withheld and omitted specific material information (GEN-22-13) which would have restored his eligibility for Title IV Federal Student Aid via the Fresh Start program. Instead steering him towards affiliated private lenders and personal loans with the school.

Mr. DuBose claims that a penalty was “imposed” on him, in the form of “denial of access to classes” and “other institutional facilities” pursuant 20 U.S.C § 1094(19), for his inability to meet his financial obligation to the institution, due entirely to failed compliance on the part of the Defendant(s).

Plaintiff Malcolm DuBose claims that he was made aware of (GEN-22-13) and the Fresh Start program by the FASFA Helpline. And when he made Defendant Andrea Damar aware of the Fresh Start initiative (GEN-22-13) he was tentatively allowed restored access to Title IV Federal Student Aid. But was retaliated against, as his eligibility revoked less than 45 days later for filing a Title IV complaint regarding the semesters he was eligible for but denied Federal Student Aid.

The Plaintiff asserts that pursuant 42 U.S. Code § 1986, Defendant(s) Lu-Anne Plaisance and Roxanne Thompson “having the power to prevent” and having well formed knowledge of the dispute, neglected their duty to prevent the retaliation towards Mr. DuBose by Defendants Andrea Damar and Lleny De La Cruz.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?
20 U.S. Code § 1706 , 42 U.S. Code § 12203, 18 U.S. Code § 246 -

See attached claims for other statutes.

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of _____

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Malcolm		DuBose
First Name	Middle Initial	Last Name
850 east 17th st Apt 6-C		
Street Address		
Brooklyn	NY	11230
County, City	State	Zip Code
347 954 7552	MDUBOSE@FORDHAM.EDU	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	Andrea	Damar
	First Name	Last Name
	Director, SUNY MARITIME College Office of Financial Aid	
	Current Job Title (or other identifying information)	
	6 Pennyfield Avenue	
	Current Work Address (or other address where defendant may be served)	
	Throggs Neck	NY 10465
	County, City	State Zip Code
Defendant 2:	Lleny	De La Cruz
	First Name	Last Name
	SUNY MARITIME College Office of Financial Aid	
	Current Job Title (or other identifying information)	
	6 Pennyfield Avenue	
	Current Work Address (or other address where defendant may be served)	
	Throggs Neck	NY 10465
	County, City	State Zip Code
Defendant 3:	Roxanne	Thompson
	First Name	Last Name
	Vice President for Finance and Administration	
	Current Job Title (or other identifying information)	
	6 Pennyfield Avenue	
	Current Work Address (or other address where defendant may be served)	
	Throggs Neck	NY
	County, City	State Zip Code

Defendant 4: **See Attached:**

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: SUNY MARITIME COLLEGE , Office of Financial Aid (SEE ATTACHED)

Date(s) of occurrence: April 6 2022 - August 25, 2023

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Please See Attached.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

N/A

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

Please See Attached.

Defendants.

Robin Marshall
Senior Financial Aid Counselor
SUNY Maritime College
6 Pennyfield Avenue
Throggs Neck, New York
718-409-7254

Lu-Anne Plaisance
Assistant Vice President for Human Resources, Chief Diversity Officer
SUNY Maritime College
6 Pennyfield Avenue
Throggs Neck, New York
718 409 7302

SUNY Maritime Office of Financial Aid.
SUNY Maritime College
6 Pennyfield Avenue
Throggs Neck, New York

Defendants known and unknown.

Relief

Lost Wages: 180,000

Projected Lost Wages: 400,000

Legal Cost: 105,000

Emotional Damages: 600,000

Punitive Damages: 500,000

Or

Speedy and agreed upon settlement.

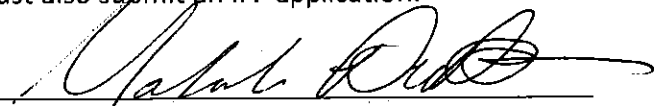
V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

07/19/2024

Dated
Malcolm

Plaintiff's Signature
DuBose
First Name
850 East 17th st Apt. 6-C

Middle Initial

Last Name

Street Address
Brooklyn

New York

11230

County, City
347 954 7552

State

Zip Code

~~MDUBOSE@FORDHAM.EDU~~ 

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Claim I

(20 U.S. Code § 1092f(b)(3) - Early awareness of financial aid eligibility for
“adult learners”)

Defendants: Andrea Damar, Lleny De LaCruz, Roxanne Thompson and Robin
Marshall

Between April 6, 2022 and July 12, 2023 Plaintiff Malcolm DuBose sought information regarding Title IV Federal Student Aid from the Defendants over 50 times. Mr. DuBose sought this information by email, telephone and face to face meetings inside of the SUNY Maritime Financial Aid Office. The Defendants, failed in their duty to “make special efforts to provide individuals who would qualify as independent students, with information regarding the availability of financial aid ” and to insure that the information was “as accurate as possible”. And to “include specific information regarding the availability of financial aid for students qualified as independent students.” The Defendants non compliance with this statute, resulted in Mr. DuBose loosing the opportunity to pay for the 21-22 and 22-23 academic years with Federal Student Aid.

Claim II

(20 U.S. Code § 1019c(b)(1)(A) - Loan information to be disclosed)

Defendants: Andrea Damar, Lleny De LaCruz, Roxanne Thompson and Robin
Marshall

Between April 6, 2022 and July 12, 2023 the Defendants failed to “make the information the Secretary provides to the institution under subsection (a) available to students attending or planning to attend the institution” . The (GEN-22-13) “Dear Colleague” letter was a significant piece of material information sent directly from the Secretary of Education to the Defendants. Information the Defendants knew was specific to Mr. DuBose’s educational needs. Their omission of the information provided in (GEN-22-13) resulted in Mr. DuBose losing the opportunity to fund the 21-22 and 22-23 academic years.

Claim III

(20 U.S Code § 1019c(b)(1)(B)-Loan information to be disclosed in regard to
private loan solicitation)

Defendant: Andrea Damar

On January 12, 2023 in response to his inquiry about Title IV Federal Student Aid, Defendant Andrea Damar shared an unsolicited notice about private student loan options with Mr. DuBose, without concurrently providing “the information the Secretary provides to the institution under subsection (a).” Defendant Andrea Damar withheld the material information provided in the (GEN-22-13) “Dear Colleague” letter about Mr. DuBose’s restored Title IV eligibility and instead provided information of an affiliated private student loan lender. Leaving Mr. DuBose without the necessary information required to fund his education.

Claim IV

(20 U.S. Code § 1094 (a)(19) - Program participation agreements)

Defendants: Andrea Damar, Roxanne Thompson

Plaintiff Malcolm Dubose was denied access to classes and other institutional facilities due to the Defendant's non-compliance with the loan and financial assistance disclosure sections, §1092f AND §1019c, of The HEA of 1965.

Defendants Andrea Damar and Roxanne Thompson denied Mr. DuBose equal access to institutional facilities, classes and the 2023 Summer Sea Term due to his inability to meet his obligations to the institution as a result of non-compliance and delays attributable to the institution.

Claim V

(34 CFR § 100.7 ,42 U.S. Code § 12203 Intimidatory or retaliatory acts prohibited,18 U.S. Code § 245 - Federally protected activities)

Defendants: Andrea Damar, Lleny De La Cruz

When Plaintiff Malcolm DuBose filed a complaint with Lu-Ann Plaisance concerning the years he'd been denied Title IV Federal Student Aid, he asked for anonymity to assure a fair assessment of his particular Title IV case. Defendant Lu-Ann Plaisance agreed but later asserted that anonymity would require the investigation be done by parties of the complaint. Which it was. The result was a revocation of Mr. DuBose's Fresh Start eligibility based on a new set of disqualifying attributes. None of which correctly classified Mr. DuBose's Title IV eligibility nor had ever been mentioned by either of the Defendants (De La Cruz & Damar) prior to his complaint. Plaintiff Malcolm DuBose was retaliated against by Defendants Andrea Damar and Lleny De La Cruz. for filing a Title IV complaint about the pattern of denial and inaccurate communications concerning his eligibility for Federal Student Aid. (See; exhibit E)

Claim VI

(42 U.S. Code § 1985 - Conspiracy to interfere with civil rights)

Defendants: Andrea Damar, Lleny De La Cruz

Defendant Andrea Damar and Lleny De La Cruz knew that Plaintiff Malcolm DuBose was part of the class of borrowers offered protective relief through the Fresh Start program on April 6 2022. The Defendants also knew that none of the disqualifying criteria published in the (GEN-22-13) “Dear Colleague” letter and quoted in the Defendant’s “*Title IV Complaint Response*” could be properly attributed to Mr. DuBose’s FASFA record. Defendant Andrea Damar, the senior most member of the SUNY Maritime financial aid office, and her direct subordinate, Defendant Lleny De La Cruz were aware of Mr. DuBose’s restored eligibility, even granting him access to the program less than 50 days prior. Still, Andrea Damar and Lleny De La Cruz, together, conspired to deprive Mr. DuBose of the protective relief of the Fresh Start program in retaliation to his Title IV complaint.

Claim VII

(42 U.S. Code § 1986 - Action for neglect to prevent)

Defendants Lu-Ann Plaisance and Roxanne Thomspen

Defendant Lu-Ann Plaisance and Roxanne Thomspen are senior members of the SUNY Maritime College administration. Both were well aware of Mr. DuBose's claim of prior eligibility via the Fresh Start program as well as the investigation set forth by his Title IV complaint. Having "the power to prevent" they neglected their duty to interfere when Mr. DuBose was denied access to the Fresh Start program, in retaliation to his Title IV complaint. Mr. DuBose was granted access to the Fresh Start program one month prior by Defendant Andrea Damar, who was both the investigator and opposing party in his Title IV complaint.

Claim VIII

(20 U.S Code § 1097 (b)(d) “the furnishing of false information in regard to the assignment or provision of a loans made under subchapter IV

Defendants Andrea Damar, Lleny De La Cruz

On August 25, 2023 Defendants Lleny De La Cruz and Andrea Damar knowingly and willfully made false statements And produced false information in regard to the assignment and provision of loans made under Subchapter IV. The Defendants, whom were both aware of Mr. DuBose’s restored eligibility and his particular class of defaulted loans. Produced a document based on false pretenses, with an excerpt from the (GEN-22-13) “Dear Colleague” letter and a reference his specific FFEL loans.

The outcome of that document (Exhibit E), was Mr. DuBose loosing access to Federal Student Aid and the opportunity to complete his Graduate education at SUNY Maritime College.

Claim IX

(18 U.S. Code § 1343 - Fraud by wire, radio, or television

18 U.S. Code § 1346 - Definition of “scheme or artifice to defraud” 18 U.S. Code
§ 245 - Federally protected activities)

Defendants Lleny De Lacruz and Andrea Damar

In retaliation to Mr. DuBose’s Title IV complaint. Defendants Lleny De La Cruz and Andrea Damar deprived him of the “intangible right of honest services” in his complaint review process. The Defendants produced a document which they knew to be of false pretense. And transmitted that “artiface” to Mr.DuBose via the SUNY Maritime College email server, in an effort to revoke his eligibility for the Fresh Start program in retaliation to his Title IV complaint.

Claim X

(18 U.S. Code § 242 - Deprivation of rights under color of law)

Defendants Lleny De La Cruz and Andrea Damar.

The Defendants were “agents” of a “covered institution”(20 U.S. Code § 1019 - Definitions). Plaintiff Malcolm DuBose was entitled to fair and objective review of his Title IV complaint. The Defendants, acting under the regulatory statutes in 34 CFR § 100.7 - *Conduct of investigations*, denied Mr. DuBose the right to a fair investigation of his Title IV complaint.

The Defendants allowed Mr. DuBose access to Fresh Start program on July 19th and 20th of 2023 but revoked his eligibility based on information they Knew to be false. They did this as both party to the complaint and the investigators of the complaint. Thus preventing Mr. DuBose from accessing Title IV Federal Student Aid and continuing his Graduate education.

Claim XI

(18 U.S. Code § 246 - Deprivation of relief benefits)

Defendant Andrea Damar et al.

The Higher Education Act of 1965 “declares it to be the policy of the United States of America that every citizen is entitled to an education to meet his or her full potential without financial barriers”(20 U.S. Code § 1221–1). The direct actions, omissions and failures to prevent stated in Claims I-X and The Facts. Led to Mr. DuBose being deprived “of the benefits provided for or made possible in whole or in part by an Act of Congress.” Mr. DuBose was denied the protective relief of the Fresh Start program as well as the educational funding provided through The Higher Education Act of 1965.

FACTS.

1. Plaintiff Malcolm DuBose, was a graduate student at SUNY Maritime College, pursuing a master's degree in Maritime and Naval Studies and a USCG 3rd Mate, Merchant Mariner License. As part of the program requirements, cadets are required to participate in a once-a-year summer sea term, which typically spans 40-50 days. Mr. DuBose participation in the Summer Sea Term was essential to his academic progress and professional development. The classes required to take the summer sea term voyage expire after one year. The Plaintiff Malcolm DuBose was denied access to this essential 2023 summer sea term and other classes due to an unpaid balance with the Defendant. For semesters which he was eligible for Title IV Federal Student Aid but was denied by Defendants(s) Andrea Damar, Robin Marshall, Roxane Thompson and Lleny De La Cruz.

2. Plaintiff Malcolm DuBose had prior defaulted federal student loans (FFEL Loans), which Defendant(s) Andrea Damar, Lleny De La Cruz, Roxanne Thompson and Robin Marshall used as the basis to deny him Federal Student Aid between the years April 6 2022 and July 19 2023.

3. On April 6, 2022, the U.S. Department of Education announced The Fresh Start Act , which eliminated the negative effects of default, for borrowers who defaulted

on their federal student loans prior to the March 13, 2020 pandemic payment pause. Restoring their access to Title IV Federal Student Aid. Plaintiff Malcolm DuBose was part of the class of borrowers offered protective relief through the Fresh Start initiative. (Exhibit A)

4. Guidance on how to provide students access to the Fresh Start Program, was made available to participating institutions by way of the Department of Education's internal, "Dear Colleague letter" or (GEN-22-13).

5. The Dear Colleague Letter is one of the primary communication types used to convey guidance regarding the *Title IV* federal student aid programs. It is first sent internally to participating institutions, then published on the Federal Student Aid Website. (See: 20 U.S 1092(d))

6. According to the GEN-22-13 guidance. To provide access to Title IV Federal Student Aid via the Fresh Start initiative, an "institution is required to maintain in the student's file a screenshot of the National Student Loan Data System (NSLDS®) loan detail information showing that the default date for the loan was prior to March 13, 2020. And retain in the student's file a signed and dated acknowledgment of their restored eligibility through the Fresh Start act."

7. July 30th of each year is the last day to apply for Federal Student Aid; and to apply the awarded aid towards that particular school year. For Example: The first day to apply for student aid for the 2021-2022 academic year was October 1, 2020, and the last day was July 30, 2022.

8. On or around April 29th 2022, Plaintiff Malcolm DuBose met with Defendant Andrea Damar and Robin Marshall separately , in the SUNY Maritime Financial Aid Office, seeking access to Title IV Federal Student Aid for the 2021-2022 academic year and to inquire about the CARES Act grant. Defendant(s) Andrea Damar and Robin Marshall each, withheld material information (GEN-22-13) about the Fresh Start initiative from Mr. DuBose. Instead telling him he was ineligible for Federal Student Aid because of prior defaulted loans. Plaintiff Malcolm DuBose was denied access to Federal Student Aid for the 2021-2022 and 22-23 academic years, despite the protective relief provided by the Fresh Start Act.

9. On August 17, 2022, Plaintiff Malcolm DuBose entered into a contract with Defendant Roxanne Thompson in the amount of 18,979.91 for the 2021-22 academic year and Fall 22' semester. All semesters in which the Mr. DuBose was eligible for Title IV Federal Student Aid but was denied. The sum of this balance would be the determining factor in preventing Mr. Dubose from boarding the 2023 Summer Sea Term and continuing his Graduate School course work.

10. On January 12th 2023 ,Plaintiff Malcolm DuBose called the office telephone of Defendant Andrea Damar seeking access to Federal Student Aid.

11. On January 12th 2023 at 2:26PM Defendant Andrea Damar emailed Mr. DuBose noting that. After having “discussed several times”. He would have to “resolve his Federal Student Loan Default before being eligible to receive federal aid again”. In this email, Defendant Andrea Damar also provided Mr. DuBose with an unsolicited notice of Private student loan options, without also providing the information provided to her by the Secretary of Education about Mr. DuBose’s restored Title IV eligibility via the “Fresh Start Act”.

12. On or around January 12, 2023 Plaintiff Malcolm DuBose took a leave of absence from SUNY Maritime College because he was denied access to Federal Student Aid to cover the cost of tuition.

13. On February 24, 2023 Plaintiff Malcolm DuBose confirmed his intent to board the 2023 Summer Sea Term Voyage with school administrator Joan Sprague.

14. On June 23, 2023 Plaintiff Malcolm DuBose called the office telephone of Defendant Lleny De La Cruz, seeking access to federal student aid.

15. On July 6, 2023 in response to Mr. DuBose's June 23rd inquiry about Title IV Federal Student Aid. Defendant Lleny De La Cruz stated that he was still ineligible to receive Federal Student Aid and "must" resolve his default with the student loan agency in order to regain eligibility. Included in this email was the exact National Student Loan Data System(NSLDS®) screen shot mentioned in the (GEN-22-13) "Dear Colleague" letter , minus any information about the Fresh Start Act.

16. On July 12, 2023, by way of FASFA Helpline, Plaintiff Malcolm DuBose was made aware of the Fresh Start Act and the (GEN 22-13) "Dear Colleague" letter. Which unbeknownst to him, established his eligibility for Federal Student Aid on April 6, 2022. For two academic years(21-22 & 22-23) Plaintiff Malcolm DuBose was eligible to receive Title IV Federal Student Aid but was provided information to the contrary by Defendant(s)Andrea Damar, Lleny De La Cruz, Robin Marshall and Roxanne Thompson.

17. On July 12, 2023 AT 9:46AM Plaintiff Malcolm DuBose emailed a copy of the (GEN 22-13) "Dear Colleague" letter to Defendant Andrea Damar briefly explaining his past and current Title IV eligibility; to which she replied **"Malcolm, lets stay focused on the immediate issue affecting your future registration."**

18. On July 12, 2023 between the hours of 3:00PM and 4:00PM, Plaintiff Malcolm DuBose spoke with Defendant Andrea Damar on the phone regarding his newly discovered eligibility and the unpaid tuition. On this call Defendant Andrea Damar claimed that his denial of Federal Student aid was **“not because of his race”**. When Mr. DuBose suggested his Title IV be retroactively applied and he be allowed to join the 2023 Summer Sea Term voyage because they withheld information about his restored eligibility. Defendant Andrea Damar replied **“it does not work like that”**.

19. On July 19, 2023 at 1:34pm Defendant Andrea Damar emailed Plaintiff Malcolm DuBose an excerpt from the (GEN-22-13) “Dear Colleague” letter, and provided guidance on how to restore his Title IV eligibility through the Fresh Start Act. Defendant Andrea Damar also asked Mr. DuBose if he was “still making attempts to address your prior balance?”. (Exhibit B)

20. On July 20th, 2023, Defendant Andrea Damar agreed to allow Plaintiff Malcolm DuBose access to the Fresh Start program based on his preferred method, provided in the guidance of the (GEN-22-13) “Dear Colleague” letter. (Exhibit C)

21. On or around August 3rd 2023 Plaintiff Malcolm DuBose filed a complaint regarding him being denied Federal Student Aid, with the Human Resources

Director of SUNY Maritime College, Defendant Lu-Anne Plasaince. The opposing parties of this complaint were Defendants Andrea Damar, Lleny De La Cruz, Roxanne Thompson and Robin Marshall. Though he did not explicitly ask to remain anonymous in writing, Mr. DuBose was assured anonymity in the review process. (Exhibit D)

22. On August 22, 2023, Mr. DuBose emailed Defendant Lu-Anne Plaisance to follow-up on the complaint he submitted regarding the pattern of denial of Title IV Federal Student Aid.

23. On August 25, 2023, Mr. DuBose received an email from Defendant Lleny De La Cruz, with the subject header "Title IV Complaint Response". Attached to this email was a letter revoking Mr. DuBose's eligibility for the Fresh Start program. Mr. DuBose was granted access to the program by the Director of Student Financial services, Defendant Andrea Damar 45 days prior to this revocation. (Exhibit E)

24. In or around November 2023, Defendants Andrea Damar and Lleny De La Cruz ended their employment with The SUNY Maritime College, Office of Financial Aid.

Exhibit A.

On July 6, 2023 Ms. De La Cruz sent an email to Mr. DuBose; included was a screen-shot of Mr. DuBose's *Institutional Student Information Record* (ISIR). The ISIR shows that Mr. DuBose has only two FFEL loans which defaulted prior to the March 2020 pandemic payment pause. Making him eligible for the protective relief of the Fresh Start program.

Also included is the (GEN-22-13) Dear Colleague letter with the relevant sections highlighted.

7/18/24, 1:15 PM

RE: Financial Aid

De La Cruz, LLeny <ldeacruz@sunymaritime.edu>

To: (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>

Good afternoon Malcolm,

We are currently running the FAFSA application process. You will receive an email from Financial Aid shortly.

Please note we have received your 2023-2024 FAFSA application. The application has been flagged with default resolution requirement.

You currently have the following 2 federal loans in default status. You must obtain default resolution letter from Pennsylvania Higher Education Assistance Authority (1-800-233-0751) as they are the loan agency:

2

Loan Type:
SF-FFEL Stafford Subsidized

Loan Status:
DF-Defaulted Unresolved as of 03/08/2019

View Loan Details >

Loan Amount:
\$3,500

Loan Date:
03/19/2010

Loan Period:
08/24/2009-05/07/2010

School Name:
SUNY Maritime College, Maritime College

Academic Level:
1-1st-Fresh

Guaranty Agency:
ADP FEDERAL FINANCIAL INSTITUTION
ADP FEDERAL

Outstanding Principal Balance:
\$4,450


Outstanding Interest Balance:
\$252

Cumulative Disbursed Amount:
\$3,500

Aggregate OPB:
\$3,500

Separate Loan Indicator:
A

Most Recent Disbursed Date:
03/24/2010

 Default

Capitalized Interest ☐

Commercially-Serviced ☐

1

Loan Type:
SU-FFEL Stafford Unsubsidized

Loan Status:
DF-Defaulted Unresolved as of 03/08/2019

View Loan Details >

Loan Amount:
\$2,000

Loan Date:
03/19/2010

Loan Period:
08/24/2009-05/07/2010

School Name:
SUNY Maritime College, Maritime College

Academic Level:
1-1st-Fresh

Guaranty Agency:
ADP FEDERAL FINANCIAL INSTITUTION
ADP FEDERAL

Outstanding Principal Balance:
\$3,527


Outstanding Interest Balance:
\$243

Cumulative Disbursed Amount:
\$2,000

Aggregate OPB:
\$2,000

Separate Loan Indicator:
A

Most Recent Disbursed Date:
03/24/2010

 Default

Capitalized Interest ☐

Commercially-Serviced ☐

You are able to view your loan status and history at <https://studentaid.gov/>

Once you provide the loan default resolution letter, we will be able to clear the requirement and provide federal loan eligibility.

Best Regards,

LLeny De La Cruz (SUNY Maritime College)

Associate Director of Financial Aid

SUNY Maritime College

Phone: 718-409-7268

[Schedule a Zoom call with me](#)

Federal Student Aid

An OFFICE of the U.S. DEPARTMENT of EDUCATION

Published on <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-08-17/federal-student-aid-eligibility-borrowers-defaulted-loans>


PUBLICATION DATE: August 17, 2022

DCL ID: GEN-22-13

SUBJECT: Federal Student Aid Eligibility for Borrowers with Defaulted Loans

SUMMARY: This letter provides guidance to schools on awarding federal student aid under Title IV of the Higher Education Act of 1965 (HEA) to students with defaulted loans.

Dear Colleague:

The U.S. Department of Education (Department) [announced](#)  on April 6, 2022, that it would eliminate the negative effects of default for borrowers who defaulted on their federal student loans prior to the pandemic payment pause. Among other features, this initiative, called “Fresh Start,” will enable borrowers with defaulted federal student loans to regain *Title IV HEA* federal student aid eligibility, including Federal Pell Grants and campus-based aid like Federal Work-Study. Access to federal student aid can provide a pathway for additional education, which can help these borrowers compete in the job market and ultimately improve their ability to fully repay their loans, among other benefits. These borrowers will also have the chance to enroll in an income driven repayment plan or access other repayment options that suit their needs. This Fresh Start initiative will remain available to previously defaulted borrowers, as identified above, for one year after the end of the COVID-19 pandemic student loan payment pause. Simply put, these borrowers will have at least one year to make payment arrangements before defaulting on their debts and/or being subject to further collections efforts like most other borrowers eligible for the payment pause. This one-year period is referenced throughout this Dear Colleague Letter (DCL) as the Fresh Start period.

We want to emphasize that the guidance in this DCL applies only when awarding aid to borrowers who are currently ineligible based solely on a prior *Title IV* loan default, and who qualify to have their eligibility restored through the Fresh Start initiative or in accordance with DCL [GEN 21-03](#). Students who are ineligible for any other reason (e.g., failing to meet satisfactory academic progress standards, owing an overpayment on a *Title IV* grant, or being in default on a Perkins Loan that is held by a school) are not eligible to receive *Title IV* aid unless the eligibility issue is resolved. A school's failure to comply with the guidance in this letter may result in a determination that the school has awarded *Title IV* aid to an ineligible student.

Borrowers Who Defaulted Before March 13, 2020

The Fresh Start initiative restores *Title IV* aid eligibility for borrowers with loans in the following categories that defaulted prior to the start of the student loan repayment pause on March 13, 2020:

- William D. Ford Federal Direct Loan Program loans (Direct Loans);
- Federal Family Education Loan (FFEL) Program loans, including Federal Insured Student Loans (FISL); and
- Federal Perkins Loans (Perkins Loans) that are serviced by the Department's Debt Management and Collections System (DMCS).

The Fresh Start initiative requires that a school receiving an *Institutional Student Information Record* (ISIR) showing that a student has one or more of the loan types listed above that defaulted before March 13, 2020, may award *Title IV* aid to the student in accordance with all normal student and program eligibility requirements provided that the school:

- Maintains in the student's file a screenshot of the National Student Loan Data System (NSLDS®) loan detail information showing that the default date (see below) for the loan was prior to March 13, 2020. The school must retain this documentation for three years after the end of the award year in which the student last attended the school.

For Direct Loans, the default date is the most recent "Start" date for transfer of the loan to DMCS as shown under "Guaranty Agency/Lender/Servicer Agent History" in the "Loan Detail" section.

For FFEL Program loans, the default date is the most recent "Insurance Claim Payment" date with a "Reason Code" of DF or DU shown under "Claim Details for Loan" in the "Loan Detail" section.

For Perkins Loans, the default date is the most recent "Start" date for transfer of the loan to DMCS as shown under "Guaranty Agency/Lender/Servicer Agent History" in the "Loan Detail" section.

- Retains in the student's file a signed and dated acknowledgment (see below) from the student or parent (parent acknowledgment will only be required if applying for a Direct PLUS loan for parents) of participation in the Fresh Start initiative that must contain the following language:

"I, [full name], understand that I am eligible for Title IV aid as a result of the Fresh Start initiative. As a Fresh Start-eligible borrower, I understand that, by accepting Title IV HEA federal student aid during the Fresh Start period, I am agreeing to have my defaulted loans transferred to a new loan servicer – the company that will manage my loan – which will result in continued Title IV, HEA federal student aid eligibility beyond the Fresh Start period. I understand that this transfer may not occur immediately and that I can contact the holder(s) of my defaulted loan(s) to request transfer sooner."

The school must retain this acknowledgment for three years after the end of the award year in which the student last attended the school. Once new aid is disbursed to borrowers who qualify under the Fresh Start initiative, the Department will automatically initiate a transfer of the borrowers' defaulted loans to a non-default loan servicer. This transfer will remove the default status of the loans and allow the borrowers to remain eligible to receive *Title IV* aid beyond the Fresh Start period.

Schools may award and disburse *Title IV* aid to a student who would otherwise be ineligible due to a prior default only during the Fresh Start eligibility period.

If a school receives an ISIR after the end of the Fresh Start eligibility period showing that a student is in default on a *Title IV* loan (including a student who previously received aid through the Fresh Start initiative), the student may not receive *Title IV* aid unless the student first resolves the default by repaying the defaulted loan in full, making satisfactory repayment arrangements on the loan, rehabilitating the loan, or consolidating the loan.

Borrowers Who Defaulted On or After March 13, 2020

The guidance provided above applies when awarding aid to students who defaulted on loans prior to the start of the student loan repayment pause (March 13, 2020) and who qualify for *Title IV* aid under the Fresh Start initiative. When awarding aid to students who defaulted on or after the start of the payment pause (and prior to the payment pause end date), which are primarily FFEL loan borrowers, different guidance applies.

Defaulted FFEL Program loans held by guaranty agencies that are not subject to an active bankruptcy filing are in "Population 2" as described in DCL GEN 21-03. As explained in that DCL, loans in Population 2 will be assigned to the Department and are immediately eligible for *Title IV* aid. However, many of these loans have not yet been assigned to the Department and will continue to show a default status in NSLDS while they remain with the guaranty agency.

Students who are otherwise eligible and who have defaulted FFEL Program loans in Population 2 are eligible to receive *Title IV* aid effective March 12, 2021 (the publication date of DCL [GEN-21-03](#)). A school that receives an ISIR showing that a student has a defaulted loan in Population 2 may award *Title IV* aid to the student in accordance with all normal student and program eligibility requirements provided that the school maintains in the student's file a screenshot of the NSLDS loan detail information showing that the default date was on or after March 13, 2020. The school must retain this documentation for three years after the end of the award year in which the student last attended the school. In these circumstances, the default date determination method is the same as described in the guidance above for students with FFEL Program loans that defaulted prior to March 13, 2020.

Because loans in Population 2 will be automatically assigned to the Department for servicing by a new servicer at a later date, there is no requirement for the student to sign an acknowledgment that the loan will be transferred.

Additional Steps to Help Borrowers Complete Their Studies

Colleges should also consider opportunities to address other forms of debt or financial stress that can prevent students from re-enrolling, diminishing the intended benefits of the Fresh Start initiative. The Department encourages colleges to consider steps to help these borrowers, such as using Higher Education Emergency Relief Funds (HEERF) or their own funds to discharge unpaid institutional balances or consider policies that allow all students to enroll, access, or transfer their official academic records. The Department also released a DCL [GEN-22-02](#) reminding colleges how and under what conditions they can use FAFSA data to aid in the administration of several other Federal benefits.

Colleges can find more guidance on the Department's waivers and flexibilities [here](#) .

The Department appreciates the cooperation of schools in helping these borrowers receive a fresh start to help ensure greater financial security and continued pursuit of a higher education.

Sincerely,

Richard Cordray
Chief Operating Officer
Federal Student Aid

Loan Type:
SF- FFEL Stafford Subsidized

Of Detailed Unresolved as of 03/08/2019 A

How to Use This Book

Loan Amount:
\$3500

School Name: _____

Quakanaiding Principal Bishop
\$2,450

Additional Order:
\$3.50

Loan Date: 03/19/2010

Academic Level:

Outstanding Interest Balance:
\$252

Separate Loan Indicator

Loan Period: 09/24/2009-05/07/2010

Guaranty Agency: 2000 1st St. S. Suite 100
St. Paul, MN 55105
(612) 222-2222

Cumulative Disbursed Amount:
\$3,560

Most Recent Disbursed Date:
03/24/2010

Default

Capitalized Interest

Commercially-Sourced

1
Loan Type:
SU - FFEL Stafford Unsubsidized

Logon Success:
01-23-2019 10:07:28 AM

[illegible]

Loan Amount
\$2,000

School Name: _____

Outstanding Principal Balance:
\$3,527

APPROXIMATE OPENING
\$2,000

Loan Date:
03/19/2010

Academic Level:
1-15th Grade

Outstanding Interest Balance:
\$245

Separate Loan Indicators


Loan Period:
09-21-2009-05-07-2010

Guaranty Agency
 10000 10th Avenue, Suite 100
 Denver, CO 80231
 Tel: 303.733.1100
 Fax: 303.733.1101

Cumulative Disbursed Amounts
\$2,000

Most Recent Disbursed Date
03/24/2010

A Treasure

Capitalized Interest 


Commercially-Served 

Exhibit B.


In this July 19, 2023 email sent by Ms. Damar to Mr. DuBose, she includes a passage from the GEN-22-13 “Dear Colleague” letter instructing Mr. DuBose on what documents to submit to her office in order to regain eligibility through the Fresh Start program. Exhibit B shows that Ms. Damar understands that Mr. DuBose was eligible for the Fresh Start program. And that she offered him access to the program prior to the August 25th revocation(Exhibit E).

DA

Darnat, Andrea

To: (S) DUBOSE, MALCOLM

Cc: Thompson, Roxanne; De La Cruz, Lleny


Wed 7/19/2023 1:34 PM

Hi Malcolm, Are you still making attempts to address your prior balance?

Once you have taken care of this and are able to register for the Fall semester, you may be able to regain your federal aid eligibility. I understand that you have started the federal loan consolidation process (which can be between 30-60 days to process) and are interested in the Fresh Start Program. We are awaiting for confirmation of the completion of your loan consolidation application through aidVantage (please make sure you check on this too). In the meantime for the purpose of Fall aid, you will need to print, sign, and return the following to our office:

The Financial Aid Office must retain in the student's file a signed and dated acknowledgment (see below) from the student of participation in the Fresh Start initiative that must contain the following language:

"I, [full name], understand that I am eligible for Title IV aid as a result of the Fresh Start initiative. As a Fresh Start-eligible borrower, I understand that, by accepting Title IV HEA federal student aid during the Fresh Start period, I am agreeing to have my defaulted loans transferred to a new loan servicer – the company that will manage my loan – which will result in continued Title IV, HEA federal student aid eligibility beyond the Fresh Start period. I understand that this transfer may not occur immediately and that I can contact the holder(s) of my defaulted loan(s) to request transfer sooner."

REF: Federal Student Aid Eligibility for Borrowers with Defaulted Loans | Knowledge Center

We will also need to review your SAP status. Please also review the following policy and appeal process:

- Satisfactory Academic Progress Policy
- Satisfactory Academic Progress Request for Review

Andrea

Exhibit C.

In this July 20th 2023 email exchange between Mr. DuBose and Ms. Damar. Plaintiff Malcolm DuBose explains his choice of method, provided for in (GEN-22-13) that he will use to reestablish his Title IV eligibility via the Fresh Start program. Mr. Damar agrees and says "Thats fine". This is the second time Mr. DuBose was deemed eligible for the Fresh Start program by Ms. Damar.

7/18/24, 1:32 PM

RE: Malcolm DuBose: Federal Student Aid Eligibility for Borrowers with Defaulted Loans | Knowledge Center

Damar, Andrea <adamar@sunymaritime.edu>

← Thu 7/20/2023 9:20 AM

To: (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>

Cc: Thompson, Roxanne <rthompson@sunymaritime.edu>; De La Cruz, LLeny <ldelacruz@sunymaritime.edu>

That's fine. I haven't heard from you on addressing your balance. Is this taken care of and if not, by when?

From: (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>**Sent:** Thursday, July 20, 2023 9:07 AM**To:** Damar, Andrea <adamar@sunymaritime.edu>**Cc:** Thompson, Roxanne <rthompson@sunymaritime.edu>; De La Cruz, LLeny <ldelacruz@sunymaritime.edu>**Subject:** Re: Malcolm DuBose: Federal Student Aid Eligibility for Borrowers with Defaulted Loans | Knowledge Center

Hello,

As per the U.S Department of Education's document (GEN-22-13) referenced in this email thread.

I will only submit the signed acknowledgment and ask that you (SUNY Maritime) maintain a screenshot of my defaulted loans.

Consolidation was a remedy to an issue that no longer exist and seemingly could not be remedied.

Moving forward, please do not communicate with aidvantage on my behalf. I will ask them to cease communication with the college.

Thank you,
Malcolm DuBose
347 954 7552

Get Outlook for iOS**From:** Damar, Andrea <adamar@sunymaritime.edu>**Sent:** Thursday, July 20, 2023 8:58:15 AM**To:** (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>**Cc:** Thompson, Roxanne <rthompson@sunymaritime.edu>; De La Cruz, LLeny <ldelacruz@sunymaritime.edu>**Subject:** RE: Malcolm DuBose: Federal Student Aid Eligibility for Borrowers with Defaulted Loans | Knowledge Center

Malcolm, see additional information below from aidvantage:

Exhibit D.

On August 3rd 2023 at 11:30 AM Malcolm DuBose sent his original Title IV Complaint to Lu-Ann Plaisance.

He followed up later that evening inquiring about the status of his complaint.

On August 9th 2023 Lu-Ann Plaisance replied to Malcolm DuBose explaining that his complaint would be reviewed by the schools Financial Aid Officials because of his requested anonymity.

On August 22, 2023 Malcolm DuBose followed up with Lu-Anne Plaisance to inquire about the status of his complaint.

On August 25th 2023 Malcolm DuBose received an email from Lleny De La Cruz containing an attachment with his "*Title IV Complaint Response*" (Exhibit E) in a PDF format. The "*Title IV Complaint Response*" was dated "August 10, 2023". In an attempt to wit the investigation standards.

7/18/24, 1:39 PM

Re: Thank you.

(S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>

← Thu 8/3/2023 11:39 AM

To: Plaisance, Lu-Ann <lplaisance@sunymaritime.edu>



IMG_230039ECD4B6-1.jpeg;

Hello Ms. Plaisance,

Below is a link to the guidance given by the U.S DOE concerning Federal Student Aid eligibility for previous defaulted borrowers. Called (GEN-22-13)

Also attached is an ISIR screenshot of my specific prior defaulted loans.

I became eligible for Title IV Federal Student aid in April of 2022. Between April 06, 2022, and July 12 2023 , when I discovered the (GEN-22-13) document. Every member of the financial aid department, include Director Damar explicitly denied me Federal Student Aid.

Thank you,
Malcolm DuBose
347 954 7552

<https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-08-17/federal-student-aid-eligibility-borrowers-defaulted-loans#:~:text=This%20letter%20provides%20guidance%20to,to%20students%20with%20defaulted%20loans.>

From: (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>

Sent: Thursday, August 3, 2023 9:34 AM

To: Plaisance, Lu-Ann <lplaisance@sunymaritime.edu>

Subject: Re: Thank you.

Hello Ms. Plaisance,

I tried calling today but I reached your voicemail.

When you have a moment, please call me back.

Thank you,
Malcolm DuBose
347 954 7552

Get Outlook for iOS

From: Plaisance, Lu-Ann <lplaisance@sunymaritime.edu>

Sent: Wednesday, August 2, 2023 4:32:23 PM

To: (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>

Subject: RE: Thank you.

Hi Malcom,

Great news. I have been in meetings all day but feel free to give me a buzz at your convenience.
Chat soon

RE: Thank you.

Plaisance, Lu-Ann <lplaisance@sunymaritime.edu>

← Wed 8/9/2023 10:43 AM

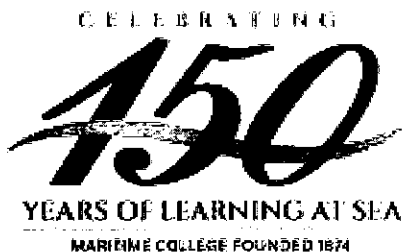
To: (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>

Hi Malcolm,

I have been out of the office so forgive the delay in this response. Your request for anonymity on 8/3/2023 did not afford a review of your individual file. The matter will be referred to financial aid officials at this juncture so they may review the terms of your Financial Student Aid Eligibility. I ask that allow the appropriate review of your file but have also provided the procedure to file any external complaint that you see fit.

Regards,
Lu

Ms. Lu-Ann Plaisance
Assistant Vice President for Human Resources & Chief Diversity Officer
The Office of Human Resource Services
SUNY Maritime College
6 Pennyfield Avenue
Throggs Neck, NY 10465
Phone: 718-409-7302
Fax: 718-409-7354



From: (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>
Sent: Thursday, August 3, 2023 7:15 PM
To: Plaisance, Lu-Ann <lplaisance@sunymaritime.edu>
Subject: Re: Thank you.

Hello Ms. Plaisance,

Thank you. Were you able to get a response to my claim ?

Should I assume the financial aid office believes I have misunderstood the terms of my Federal Student Aid eligibility?

Re: Thank you.

(S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>

Tue 8/22/2023 6:14 PM

To: Plaisance, Lu-Ann <lplaisance@sunymaritime.edu>

Hello Ms. Plaisance,

I hope all is well. Have you received any information regarding the review of my Title IV complaint and the denial of FASFA funding.

I have not heard back from anyone in the Financial Aid office.

If removing my anonymity will result in a faster more effective response. I would like to move forward with that method.

Thank you,
Malcolm DuBose
347 954 7552

Get [Outlook for iOS](#)

From: Plaisance, Lu-Ann <lplaisance@sunymaritime.edu>

Sent: Wednesday, August 9, 2023 10:43:57 AM

To: (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>

Subject: RE: Thank you.

Hi Malcolm,

I have been out of the office so forgive the delay in this response. Your request for anonymity on 8/3/2023 did not afford a review of your individual file. The matter will be referred to financial aid officials at this juncture so they may review the terms of your Financial Student Aid Eligibility. I ask that allow the appropriate review of your file but have also provided the procedure to file any external complaint that you see fit.

Regards,
Lu

Ms. Lu-Ann Plaisance
Assistant Vice President for Human Resources & Chief Diversity Officer
The Office of Human Resource Services
SUNY Maritime College
6 Pennyfield Avenue
Throggs Neck, NY 10465
Phone: 718-409-7302
Fax: 718-409-7354



Exhibit E.

As shown in the screen shot provided by Ms. De La Cruz on July 6 2023 (Exhibit A) and substantiated by its mention in this letter (Exhibit E). Plaintiff Malcolm DuBose has two FFEL student loans that went into default prior to the March 2020 pandemic payment pause.

If any of the disqualifying attributes mentioned in this *Title IV Complaint Response* were true; they would've appeared on Mr. DuBose's Institutional Student Information Record (*ISIR*) when Ms. De La Cruz processed Mr. DuBose's FASFA application on July 6, 2023. Or would've have been mentioned on July 19th and 20th when Ms. Damar approved Mr. DuBose for the Fresh Start program. This letter was an act of retaliation.

This letter is also back dated. It was sent to Malcolm DuBose on August 25th, 2023 but is date as August 10, 2023

Title IV Complaint Response

De La Cruz, LLeny <ldelacruz@sunymaritime.edu>

Fri 8/25/2023 1:40 PM

To: (S) DUBOSE, MALCOLM <MALCOLMDUB.21@sunymaritime.edu>

Cc: Plaisance, Lu-Ann <lplaisance@sunymaritime.edu>



1 attachment(s) (85 kB)

Malcolm DuBose.pdf;

Good Afternoon Malcolm DuBose,

Please review the attached correspondence. Thank you.

Best Regards,

LLeny De La Cruz ()

Associate Director of Financial Aid

SUNY Maritime College

Phone: 718-409-7268

Schedule a Zoom call with me





August 10, 2023

Malcolm DuBose
850 East 17th Street Apt 6C
Brooklyn, NY 11230

Re: Financial Aid File Review

Dear Malcolm DuBose,

The Office of Financial Aid at SUNY Maritime College conducted a review of your file on August 8, 2023, in accordance with publication DCL ID: GEN-22-13 Federal Student Aid Eligibility for Borrowers with Defaulted Loans published August 17, 2022. The initiative enabled borrowers with defaulted federal student loans to regain *Title IV HEA* federal student aid eligibility, including Federal Pell Grants and campus-based aid like Federal Work-Study etc.

In a review of your record in relation to the initiative it is of noteworthy mention that the guidance in the Dear Colleague Letter applies only when awarding aid to borrowers who are currently ineligible based solely on a prior *Title IV* loan default, and who qualify to have their eligibility restored through the Fresh Start initiative or in accordance with DCL GEN 21-03. While your record indicates a default on your student loans prior to your enrollment at SUNY Maritime College in AY 2021-2022 you are **ineligible** based on the following criteria:

Students who are ineligible for any other reason (e.g., failing to meet satisfactory academic progress standards, owing an overpayment on a Title IV grant, or being in default on a Perkins Loan that is held by a school) are not eligible to receive Title IV aid unless the eligibility issue is resolved.

We hope the information above is helpful in addressing your inquiry. Furthermore, it is our hope that you take full advantage of the resources provided to you on July 6, 2023, with contact information for the Pennsylvania Higher Education Assistance Authority who can provide default resolution and clearance which is required to regain federal aid eligibility.

Sincerely,

The Office of Financial Aid

cc: Lu-Ann Plaisance, AVP for HR & Chief Diversity Officer